

1                                   **MINUTES OF THE COTTONWOOD HEIGHTS CITY**  
2                                   **PLANNING COMMISSION MEETING**

3  
4                                   **Wednesday, July 18, 2012**

5                                   **6:30 p.m.**

6                                   **Cottonwood Heights City Council Room**  
7                                   **1265 East Fort Union Boulevard, Suite 300**  
8                                   **Cottonwood Heights, Utah**  
9

10 ***ATTENDANCE***

11  
12 **Planning Commission Members:**

**City Staff:**

13  
14 Perry Bolyard, Chair  
15 James S. Jones  
16 Paxton Guymon  
17 Lindsay Holt  
18 Dennis Peters  
19 Gordon Walker  
20

Brian Berndt, Planning Director  
Larry Gardner, Planner  
Kory Solorio, Deputy City Recorder

21 **BUSINESS MEETING**

22  
23 **1.0    WELCOME/ACKNOWLEDGEMENTS – Chair Bolyard.**

24  
25 Chairman Bolyard called the meeting to order at 6:29 p.m.  
26

27 **2.0    CITIZEN COMMENTS**

28  
29 There were no citizen comments.  
30

31 **3.0    DISCUSSION ITEMS**

32  
33                   **3.1 (Project #SD 12-003) Discussion on a Proposal from Castlewood Homes for**  
34                   **Final Approval of a Four-Lot Subdivision Located at 7061 South 1700 East.**  
35

36 (18:30:52) Planner, Larry Gardner, reviewed the proposal and stated that it is a four-lot  
37 subdivision on 1.1 acre property. The lot is an R-1-08 zone which requires 8,000 square-foot  
38 lots. He mentioned that the setbacks and use, which was single-family homes, had been met  
39 under the ordinance. The area of the lots in the plan also met the requirements of the zone.  
40 Mr. Gardner stated that a private drive would be established to serve the four homes with access  
41 off of 1700 East, which was a public street. The project was comprised completely of single-  
42 family homes with a few churches.  
43

44 Mr. Gardner reported that the plans showed that the lots shapes were traditional with utility  
45 easements running between the homes. He noted that the requirements for a hammerhead turn-  
46 around, which was approved by the Fire Marshall, showed the easement to the rear. He  
47 described a private lane to the north of the property, which was mistakenly thought to have been

1 asphalted right up to the property line but still met the safety requirements established by the Fire  
2 Marshall with respect to turn around and access. Mr. Gardner stated that after the curb, gutter  
3 and sidewalk were taken out there would still be 29 feet of asphalt remaining. He displayed a  
4 construction drawing showing the hammerhead and retention basin in the back. The distance  
5 from the top of the retention basin to the side of the home was 8 feet and 30 feet from the  
6 bottom. Mr. Gardner reported that it would hold approximately 7,000 cubic feet of storm water  
7 because there was no conveyance in the area in which it could go into. This was based on a  
8 calculation all of the storm water that would be created by both roads. He mentioned that the  
9 applicant was not required to retain this water but that they had calculated for it. Much of the  
10 storm water on 1700 East would enter the storm water system on Fort Union Boulevard.

11  
12 Mr. Gardner stated that the slope of the property was from west to east with about a two foot  
13 difference between the western end to the back. He stated that the storm water issue had been  
14 conceptually approved by the City Engineer although some technical corrections may have to be  
15 made. The system was designed to accommodate a 100-year event with 4 ½ feet of gravel at the  
16 bottom of the pond. He also described a percolation test that was going to be required by the  
17 developer to ensure that the homes in the area would not be inundated with storm water.

18  
19 Mr. Gardner showed pictures of homes the developer intended to construct that were craftsman  
20 style. He recommended both preliminary and final approval be granted and stated that from an  
21 engineering stand point both fire safety and all of the requirements of the zone had been met. He  
22 did, however, want to condition it on technical and design corrections and changes to the plat as  
23 well as construction changes to be made by staff. The geotechnical report needed to be  
24 submitted to the City prior to recording.

25  
26 Mr. Gardner stated that the developer would dedicate the southern corner to the northern corner  
27 of the property on 1700 East that dead ends, to the City after installation of curb, gutter and  
28 sidewalk.

29  
30 (6:37:29) Commission Bolyard asked if the northern point of the subdivision was at the northern  
31 property line. Mr. Gardner explained that it was and showed exactly where the curb gutter and  
32 sidewalk would be. He reported that the City would require that if the residents to the north did  
33 not want to be part of the road that a curb would be put in to keep storm water and snow retained  
34 as part of the project. The curb would only be required on the north of the private lane.

35  
36 (6:38:21) Commission Peters asked if the waterway from the north heading south was currently  
37 in place. Mr. Gardner stated that it was not currently in place and that it would be constructed.  
38 The Commissioner asked if the developer would be required to construct the waterway and the  
39 curb and gutter on the north portion past his property. Mr. Gardner explained that that was not  
40 required because case law states that a developer is not required to do more than he is impacting.  
41 As a result, the City could not require him to do the entire street, which would leave the rest of  
42 the street undeveloped. The undeveloped portion of street was gravel and if there were  
43 improvements to be made they would have to be completed by the City because it was  
44 determined that the four-lot subdivision did not create the need for improvements to the  
45 intersection.

1 Chair Bolyard felt that the creation of the four new lots, with the impervious service of the new  
2 roadway, created the need for improvements on the areas to the north and south of the entryway.  
3 Mr. Gardner agreed that that was the case to the north of the entryway, but not with the area  
4 beyond the point of the developer's property line.

5  
6 Commissioner Holt asked if there was any lighting to be installed. Mr. Gardener explained that a  
7 street light would be installed based upon the City's Lighting Master Plan.

8  
9 In response to a question raised by Commissioner Walker, it was reported that the slope on 1700  
10 East runs south to north. A Commissioner stated that the slope created an even bigger water  
11 issue because of the water flowing from the south to the north from a waterway into dirt.  
12 Mr. Gardner explained that the developer accounted for that by putting in an oversized retention  
13 basin in the back. Commissioner Walker stated that it was the responsibility of the engineer to  
14 get the laser, dig the hole, and analyze the Soils Report. He then stated that it was the  
15 Commission's responsibility to approve or deny the project and the technical staff to make sure  
16 that the flows work.

17  
18 Commissioner Holt did not understand why the reports were not due upon submittal. She felt  
19 this would help answer many of the questions and give the Commission the ability to vote with  
20 confidence.

21  
22 Chair Bolyard asked if the document to be recorded was the one they were looking at if so, when  
23 they approved it. Mr. Gardner stated that it was the only document, although there were many  
24 technical corrections that would need to be made. None of the corrections, however, would  
25 affect the "meat" of the project.

26  
27 Chair Bolyard then inquired about Lot 4 and whether the square footage could bear the complete  
28 burden of the retention pond. Mr. Gardner responded that it was a requirement that a  
29 homeowners' association be established to maintain the road and that particular lot.

30  
31 The final condition Mr. Gardner explained was that the parcel be dedicated to the City without  
32 any potential tax liabilities. The developer was to landscape all park strip areas along Challis  
33 Lane and 1700 East. The conditions set forth in the staff report were reviewed. Mr. Gardner  
34 stated that the City Engineer would not sign the plat until he is satisfied that the City is protected.

35  
36 (18:47:49) The developer, Duane Rasmussen, acknowledged that there are outstanding questions  
37 that need to be addressed. His priority was to keep the neighbors happy than start construction  
38 under adversarial conditions.

39  
40 Mr. Rasmussen addressed the issue of the asphalt coming up to Mr. Stevens' private lane. His  
41 understanding was that it came to the edge of the lane but the area had not yet been surveyed.  
42 He explained that they had no intention of trespassing on the Stevens' property or laying any  
43 asphalt there. He explained that the homeowners could petition the Commission for a fence or  
44 they would be happy to end at the property line. Mr. Rasmussen stated that they satisfied all of  
45 the guidelines and public safety concerns with regard to the turn around. They planned to install  
46 an asphalt curb or concrete curb depending on the need determined by the City Engineer to get  
47 the drainage to the retention basin. He identified on a rendering an inlet box into the retention

1 basin on the curb. He explained that they had designed the retention basin to take care of  
2 Mr. Stevens' water as well. Because of the proposed design and the fact that the water was  
3 currently draining into the property, he felt they were improving the situation. He explained that  
4 they were not encumbered to take care of the water the City is creating but were taking care of  
5 their own water. He further stated that they would be happy to continue with the size of the pond  
6 as shown in order to accommodate Mr. Stevens' water if it were to come down his private lane  
7 and into the retention basin.  
8

9 Mr. Rasmussen addressed the soils test issue and agreed with Commissioner Holt that it be  
10 submitted with the application. It was ordered and he agreed to provide it with an opinion from  
11 the City Engineer to demonstrate to the Commission that everything is functioning the way it  
12 ought to. Mr. Rasmussen further stated that his experience in developing 11 lots in Cadence  
13 Cove had been fabulous and that they enjoyed working with the City and the neighbors. He  
14 thought the Commission would be pleased to know that the neighborhood was in their  
15 community. He apologized for any confusion that may have occurred previously.  
16

17 Chair Bolyard expressed gratitude for the developments created by Mr. Rasmussen in the City  
18 and asked if he had considered sloping the street back to 1700 East. Mr. Rasmussen explained  
19 that they would have liked to do that but they simply could not since it would have necessitated  
20 bringing in three feet of fill. Mr. Rasmussen explained that the impact have affected the storm  
21 drain toward Fort Union Boulevard. He then pointed out in an aerial photograph that the two  
22 cul-de-sacs to the south have retention systems that were potentially the same with collection  
23 boxes at the end.  
24

25 (18:54:29) Craig Steffenson stated that the rear of his home faces the project on the north of the  
26 existing lane. His main concern was storm water. He felt there was a safety issue with children  
27 playing in the pond and mentioned that water could remain there for up to two weeks.  
28

29 Marshall Stevens noted that his home was located just to the north of the proposed. He had two  
30 main concerns. The first had to do with the retention pond. He did not feel that the HOA would  
31 adequately maintain it and keep it safe from children playing in and around it. A question was  
32 raised as to whether a fence could be built to keep people out. He was excited about the  
33 construction of new homes but wanted what he considered to be "basic common sense" items  
34 taken care of for the sake of safety. He argued that the water could remain in the pond for more  
35 than two or three days because of how much water collects there. His second concern was that  
36 the flow of the water could go into his basement.  
37

38 Chair Bolyard asked Mr. Stevens what he thought about putting in a curb and gutter along the  
39 line separating his private land from the new roadway. Mr. Stevens felt something needed to be  
40 done because there did not appear to be a buffer. He was also bothered by the fact that they  
41 could potentially pave over some of his property. The potential impacts to Mr. Steven's property  
42 were discussed.  
43

44 Chair Bolyard asked Mr. Stevens if he intended to construct a fence the length of his property.  
45 Mr. Stevens was not sure that was a possibility due to fire safety issues.  
46

1 Mr. Gardner stated that according to the Unified Fire Authority (UFA), a flag lot needs 20 feet of  
2 access to the rear lot. He mentioned to Mr. Stevens that he would need to have a fence approved  
3 by the Fire Marshall before having one installed to ensure access to the rear home.

4  
5 Chair Bolyard mentioned that there needed to be a discussion between the developers and the  
6 homeowners. He asked if there was an ordinance that required the fencing of a retention pond,  
7 an ordinance on a minimum size of retention ponds, or a combination of the two. Mr. Gardner  
8 stated that the ordinance was based on APWA standards for what is calculated for the  
9 impervious service. Chair Bolyard stated that it did not address fencing. Mr. Gardner said that if  
10 the Planning Commission felt that there was a safety concern with the retention area or waterway  
11 canal, fencing could be required.

12  
13 Chair Bolyard asked about any maintenance requirements associated with the retention pond.  
14 Mr. Gardner stated that they are required to pre-treat the water to remove oils and solids before it  
15 goes into the retention basin and was required to be cleaned periodically. There was a  
16 requirement for a bond to be posted with the City so if it is not done, the City use the bond to do  
17 the work.

18  
19 Chair Bolyard asked about potential liability to the City with respect to the retention pond and  
20 water potentially traveling from the base of the retention pond into the basement of residents. It  
21 was noted that the City would have no liability and such an occurrence would be a private  
22 property issue.

23  
24 Procedural issues were discussed.

25  
26 *Commissioner Walker moved to defer action on until both the applicant and others who have*  
27 *an interest are able to provide the Commission with the following additional information:*

- 28  
29 *1. A Soils Study;*  
30  
31 *2. Sign off from the Engineer on the fact that it does deal with a 100-year event,*  
32  
33 *3. The flow on 1700 East does not automatically defer to the property owners.*  
34

35 *Commissioner Jones seconded the motion.*

36  
37 The Commission determined that August 1, 2012 would be enough time to obtain the necessary  
38 information.

39  
40 *Vote on motion: James S. Jones-Aye, Paxton Guymon-Aye, Lindsay Holt-Aye, Dennis Peters-*  
41 *Aye, Gordon Walker-Aye, Chair Perry Bolyard-Aye. The motion passed unanimously.*  
42

#### 43 **4.0 ACTION ITEMS**

##### 44 45 **4.1 (Project #SD 12-003) Action on a Proposal from Castlewood Homes for Final** 46 **Approval of a Four-Lot Subdivision Located at 7061 South 1700 East.**

1  
2           **4.2     Approval of the June 6, 2012 Minutes.**  
3

4   (19:12:48) *Commissioner Holt moved to approve the minutes of June 6, 2012. Commissioner*  
5 *Walker seconded the motion. Vote on motion: James S. Jones-Aye, Paxton Guymon-Aye,*  
6 *Lindsay Holt-Aye, Dennis Peters-Aye, Gordon Walker-Aye, Chair Perry Bolyard-Aye. The*  
7 *motion passed unanimously.*  
8

9   Commissioner Holt requested that staff notify neighbors in the future so that hopefully a  
10 consensus can be reached prior to the meeting. Mr. Gardner stated that the subdivision request  
11 was not out of the ordinary. Commissioner Holt simply asked that the Action Items be noticed.  
12 The range of notice was determined to be 300 feet.  
13

14   **5.0     ADJOURNMENT**  
15

16   (19:18:15) *Commissioner Guymon moved to adjourn. Commissioner Jones seconded the*  
17 *motion. Vote on motion: James S. Jones-Aye, Paxton Guymon-Aye, Lindsay Holt-Aye,*  
18 *Dennis Peters-Aye, Gordon Walker-Aye, Chair Perry Bolyard-Aye. The motion passed*  
19 *unanimously.*  
20

21   The Planning Commission Meeting adjourned at 7:18 p.m.  
22

1  
2 *I hereby certify that the foregoing represents a true, accurate and complete record of the*  
3 *Cottonwood Heights City Planning Commission Meeting held Wednesday, July 18, 2012.*  
4  
5  
6

7   
8  
9

10 Teri Forbes  
11 T Forbes Group  
12 Minutes Secretary  
13

14  
15 Minutes approved: October 17, 2012